

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

<b>VONNIE K. AGNER and wife,</b>	)	<b>Civil No. 3:98-CV-220-T</b>
<b>JUNE AGNER, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>DANIEL INTERNATIONAL</b>	)	
<b>CORPORATION, f/k/a Daniel</b>	)	
<b>Construction Company, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
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<b>ROBERT F. BOST, et al.,</b>	)	<b>Civil No. 3:98 CV 138-T</b>
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>DANIEL INTERNATIONAL</b>	)	
<b>CORPORATION, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
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**AMENDED FINAL PRETRIAL ORDER**

**THESE MATTERS** are before the Court on Plaintiff's amended Proposed Trial Grouping submitted February 1, 2008, as agreed to by the Defendants.

Based upon the trial groupings as submitted,

**IT IS, THEREFORE, ORDERED** that the following cases are scheduled for trial during the **June 16 through July 3, 2008, term:**

Beeker, Terry  
Carriker, Sr., John  
Christenberry, John  
Eagle, Leona  
Elkins, Danny  
Freeze, Jason  
Goodlett, Billy  
Goodman, Clyde

Hunt, Arthur  
Seamon, Ernest  
Smith, Bill  
Smith, Jr. Franklin  
Wallace, William

**IT IS FURTHER ORDERED** that the following deadlines apply to these cases scheduled for trial in **June 2008** (as computed on the attached schedule):

1. Depositions of the Plaintiffs must be completed on or before **March 18, 2008**.
2. Plaintiffs shall provide the Defendants with any updating medical records on or before **March 18, 2008**.
3. All prior radiology and pathology shall be shared with the defendants on or before **March 18, 2008**. Within 45 days from production of such medical information and no later than 15 days before trial, the Defendants shall return all radiology produced to Plaintiffs' counsel.
4. Any new radiology must be produced digitally, if available.
5. On or before **March 18, 2008**, the Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel.
6. Reports for retained experts are due from the Plaintiffs no later than **April 17, 2008**, and from the Defendants no later than **May 12, 2008**.
7. Plaintiffs shall identify any product identification or co-worker witnesses no later than **April 17, 2008**.
8. Discovery shall be completed no later than **May 19, 2008**; expert discovery shall be completed no later than **June 6, 2008**.
9. All motions except motions *in limine* shall be filed no later than **June 6, 2008**.

**IT IS FURTHER ORDERED** that the following cases are scheduled for trial during the  
**August 18 through September 5, 2008, term:**

Aldrich, Nottie  
Barnhardt, Thomas  
Boger, John  
Bonds, Merle  
Daniels, Sr., Charles  
Doby, Carl  
Fonseca, Sr., Edward  
Gibbons, Gary  
Godbey, Robert  
Guy, Elsie  
Hendrickson, Larry  
Hodges, David T.  
Honeycutt, William  
Jackson, Bettye  
Kennedy, John  
Knight, James  
Logan, Thomas  
Measmer, Kenneth  
Nall, Charles  
Ostwalt, Mildred  
Potts, Homer  
Reavis, Billy  
Saine, Henry  
Saleeby, Maurice  
Shumaker, Kermit  
Stirewalt, Steven  
Tanner, Sr., William  
Thomas, Ronald  
Warren, Danny

**IT IS FURTHER ORDERED** that the following deadlines apply to these cases scheduled  
for trial in **August 2008** (as computed on the attached schedule):

1. Depositions of the Plaintiffs must be completed on or before **May 20, 2008**.
2. Plaintiffs shall provide the Defendants with any updating medical records on or  
before **May 20, 2008**.

3. All prior radiology and pathology shall be shared with the defendants on or before **May 20, 2008**. Within 45 days from production of such medical information and no later than 15 days before trial, the Defendants shall return all radiology produced to Plaintiffs' counsel.
4. Any new radiology must be produced digitally, if available.
5. On or before **May 20, 2008**, the Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel.
6. Reports for retained experts are due from the Plaintiffs no later than **June 19, 2008**, and from the Defendants no later than **July 21, 2008**.
7. Plaintiffs shall identify any product identification or co-worker witnesses no later than **June 4, 2008**.
8. Discovery shall be completed no later than **July 21, 2008**; expert discovery shall be completed no later than **August 8, 2008**.
9. All motions except motions *in limine* shall be filed no later than **August 8, 2008**.

**IT IS FURTHER ORDERED** that the following cases are scheduled for trial during the **October 20 through October 31, 2008, term:**

Barbee, Joe  
Bond, Terry  
Bost, Robert  
Bowles, Larry  
Coleman, James  
Ellis, Joe  
Faust, Martha  
Granford, Morree  
Holmes, Fred  
Holt, Sallie  
Jennings, Jr., William  
Johns, Bobby  
Kepley, Ronald  
Miller, Clyde  
Morrison, Sr., Bobby  
Parker, Martha

Phelps, John  
Powlas, Joe  
Ridenhour, John  
Robertson, Ada  
Seaford, Sr., Glenn  
Shoe, Howard  
Shoe, Sr., Donald  
Torrence, Sr., Wilbert  
Walker, Jr., James  
Weldon, Sr., Charles  
Wilhelm, Miron  
Wilson, Jr., Leon  
Winecoff, Mary  
Wise, Jr., Walter

**IT IS FURTHER ORDERED** that the following deadlines apply to these cases scheduled for trial in **October 2008** (as computed on the attached schedule):

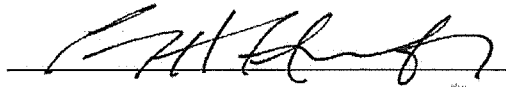
1. Depositions of the Plaintiffs must be completed on or before **July 22, 2008**.
2. Plaintiffs shall provide the Defendants with any updating medical records on or before **July 22, 2008**.
3. All prior radiology and pathology shall be shared with the defendants on or before **July 22, 2008**. Within 45 days from production of such medical information and no later than 15 days before trial, the Defendants shall return all radiology produced to Plaintiffs' counsel.
4. Any new radiology must be produced digitally, if available.
5. On or before **July 22, 2008**, the Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel.
6. Reports for retained experts are due from the Plaintiffs no later than **August 21, 2008**, and from the Defendants no later than **September 22, 2008**.
7. Plaintiffs shall identify any product identification or co-worker witnesses no later than **August 6**.

8. Discovery shall be completed no later than **September 22, 2008**; expert discovery shall be completed no later than **October 10, 2008**.

9. All motions except motions *in limine* shall be filed no later than **October 10, 2008**.

The parties are directed to consult with the other pretrial orders entered herein for matters not specifically addressed by this Order.

Signed: February 1, 2008



Lacy H. Thornburg  
United States District Judge



WE CONSENT:

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Attorneys for Defendants

No. of days before trial	June 16-July 3 Trial Group	Deadline Date
90	Depositions of the Plaintiffs must be completed	3/18/2008
90	Plaintiffs shall provide Defendants with any updating medical review	3/18/2008
90	All prior radiology and pathology shall be shared with the Defendants (radiology to be produced digitally if available) Within 45 days from the date of production but in no case later than 15 days before trial, Defendant shall return all radiology to Plaintiffs' counsel which were produced.	3/18/2008
90	Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel	3/18/2008
60	Plaintiffs shall identify all co-worker witnesses to testify at trial	4/17/2008
60	Reports for retained experts due from Plaintiffs	4/17/2008
35	Reports from retained experts due from Defendants	5/12/2008
30	Fact discovery shall be completed	5/19/2008
10	All motions except <i>motions in limine</i> shall be filed	6/6/2008
10	Expert discovery shall be completed	6/6/2008

No. of days before trial	August 18-September 5 Trial Group	Deadline Date
90	Depositions of the Plaintiffs must be completed	5/20/2008
90	Plaintiffs shall provide Defendants with any updating medical review	5/20/2008
90	All prior radiology and pathology shall be shared with the Defendants (radiology to be produced digitally if available) Within 45 days from the date of production but in no case later than 15 days before trial, Defendant shall return all radiology to Plaintiffs' counsel which were produced.	5/20/2008
90	Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel	5/20/2008
75	Plaintiffs shall identify all co-worker witnesses to testify at trial	6/4/2008
60	Reports for retained experts due from Plaintiffs	6/19/2008
30	Reports from retained experts due from Defendants	7/21/2008
30	Fact discovery shall be completed	7/21/2008
10	All motions except <i>motions in limine</i> shall be filed	8/8/2008
10	Expert discovery shall be completed	8/8/2008



No. of days before trial	October 20-October 31 Trial Group	Deadline Date
90	Depositions of the Plaintiffs must be completed	7/22/2008
90	Plaintiffs shall provide Defendants with any updating medical review	7/22/2008
90	All prior radiology and pathology shall be shared with the Defendants (radiology to be produced digitally if available) Within 45 days from the date of production but in no case later than 15 days before trial, Defendant shall return all radiology to Plaintiffs' counsel which were produced.	7/22/2008
90	Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel	7/22/2008
75	Plaintiffs shall identify all co-worker witnesses to testify at trial	8/6/2008
60	Reports for retained experts due from Plaintiffs	8/21/2008
30	Reports from retained experts due from Defendants	9/22/2008
30	Fact discovery shall be completed	9/22/2008
10	All motions except <i>motions in limine</i> shall be filed	10/10/08
10	Expert discovery shall be completed	10/10/08